

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SANDFORD WOODY, individually and on behalf  
of all other persons similarly-situated,

Plaintiff,

v.

CVS CAREMARK CORPORATION, d/b/a/ CVS,  
a Delaware Corporation

Defendant.

Case No.: 1:07-cv-08733-DAB

**MOTION TO ADMIT COUNSEL**  
**JAMES J. SWARTZ, JR.**  
***PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York and on behalf of Defendant CVS Caremark Corporation<sup>1</sup>, I, Aimee B. Florin, am a member in good standing of the bar of this Court, and hereby move for an Order allowing the admission *pro hac vice* of

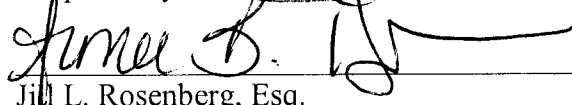
Applicant's Name: James J. Swartz, Jr., Esq.  
Firm Name: Ashe, Rafuse & Hill, LLP  
Address: 1355 Peachtree Street, N.E., Suite 500  
City/State/Zip: Atlanta, Georgia 30309-3232  
Phone Number: (404) 253-6000  
Fax Number: (404) 253-6060

FILED  
2007 NOV 19 PM 3:59  
S.D. OF N.Y.

James J. Swartz, Jr. is a member in good standing of the Bar of the State of Georgia. There are no pending disciplinary proceedings against James J. Swartz, Jr. in any State or Federal Court.

Dated: New York, New York  
November 19, 2007

Respectfully submitted,



Jill L. Rosenberg, Esq.  
Aimee B. Florin, Esq.  
Heather A. Glatter, Esq.  
Orrick, Herrington & Sutcliffe LLP  
666 Fifth Avenue  
New York, New York 10103-0001  
Tel: 212-506-5000

Counsel for Defendant CVS Caremark Corporation

<sup>1</sup> CVS Caremark Corporation, not subject to this Court's personal jurisdiction, appears specially and without waiver of jurisdictional objections and defenses.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SANDFORD WOODY, individually and on behalf  
of all other persons similarly-situated,

Plaintiff,

v.

CVS CAREMARK CORPORATION, d/b/a/ CVS,  
a Delaware Corporation

Defendant.

Case No.: 1:07-cv-08733-DAB

**AFFIDAVIT OF  
AIMEE B. FLORIN  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL  
JAMES J. SWARTZ, JR.  
*PRO HAC VICE***

Aimee B. Florin, being duly sworn, hereby deposes and says as follows:

1. I am a Partner at Orrick, Herrington & Sutcliffe, LLP, local counsel for Defendant CVS Caremark Corporation<sup>1</sup> ("Defendant") in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit James J. Swartz, Jr. as counsel *pro hac vice* to represent Defendant in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1996. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. James J. Swartz, Jr. serves as counsel to the Defendant and is familiar with the proceedings in this case.
4. James J. Swartz, Jr. is an Associate at Ashe, Rafuse & Hill, LLP, in Atlanta, Georgia.
5. Mr. Swartz is a skilled attorney and person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of James J. Swartz, Jr., *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of James J. Swartz, Jr., *pro hac vice*, which is attached hereto as Exhibit A.

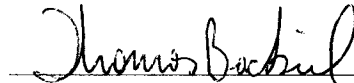
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<sup>1</sup> CVS Caremark Corporation, not subject to this Court's personal jurisdiction, appears specially and without waiver of jurisdictional objections and defenses.

WHEREFORE, it is respectfully requested that the motion to admit James J. Swartz, Jr., *pro hac vice*, to represent Defendant in the above-captioned matter, be granted.

Dated: New York, New York  
November 19, 2007

Sworn to before me this  
19<sup>th</sup> day of November, 2007

  
\_\_\_\_\_  
Notary Public

THOMAS BACKIEL  
Notary Public, State of New York  
No. 01BA6083754  
Qualified in Queens County  
Commission Expires Nov. 25, 2010

Respectfully submitted,

  
\_\_\_\_\_  
Aimee B. Florin  
Orrick, Herrington & Sutcliffe LLP  
666 Fifth Avenue  
New York, New York 10103  
Tel: 212-506-5000  
Fax: 212-506-5151

Counsel for Defendant CVS Caremark Corporation

# STATE BAR OF GEORGIA



*Lawyers Serving the Public and the Justice System*

Mr. James Joseph Swartz Jr.  
Ashe Rafuse & Hill LLP  
1355 Peachtree Street, N.E., Suite 500  
Atlanta, GA 30309-3232

**CURRENT STATUS:** Active Member-Good Standing

**DATE OF ADMISSION TO PRACTICE:** 11/01/1999

**Attorney Bar Number:** 694319

Today's Date: November 2, 2007

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

## STATE BAR OF GEORGIA

Official Representative of the State Bar of Georgia

### HEADQUARTERS

104 Marietta Street, Suite 100  
Atlanta, Georgia 30303  
(404) 527-8700 ■ (800) 334-6865  
FAX (404) 527-8717  
www.gabar.org

### SOUTH GEORGIA

244 E. Second Street (Zip 31794)  
P.O. Box 1390  
Tifton, Georgia 31793-1390  
(229) 387-0446 ■ (800) 330-0446  
FAX (229) 382-7435



## CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA                                 }  
  } ss.  
NORTHERN DISTRICT OF GEORGIA                                 }

I, James N. Hatten, Clerk of the United States District Court for the Northern District of Georgia,

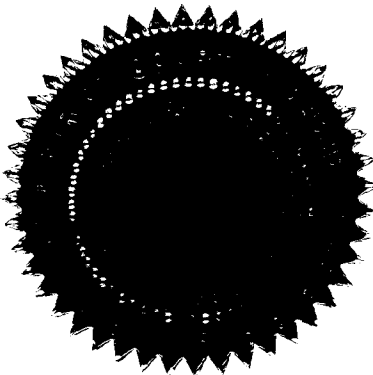
**DO HEREBY CERTIFY** that **James Joseph Swartz, State Bar No. 694319**, was duly admitted to practice in said Court on January 18, 2000, and is in good standing as a member of the bar of said Court.

Dated at Atlanta, Georgia, this 1st day of November, 2007.

JAMES N. HATTEN  
CLERK OF COURT

By:

  
Cheryl Goins  
Deputy Clerk



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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of all other persons similarly-situated,

Plaintiff,

v.

CVS CAREMARK CORPORATION, d/b/a/ CVS,  
a Delaware Corporation

Defendant.

Case No.: 1:07-cv-08733-DAB

**AFFIDAVIT OF  
SERVICE BY MAIL**

I, Deborah Chernoff, being duly sworn, deposes and says:

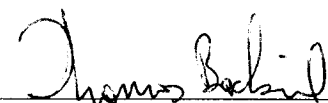
I am not a party to this action, am over 18 years of age, and reside in New York, New York. On November 19, 2007, I served a true and correct copy of Defendant's Motion to Admit Counsel James J. Swartz, Jr. *Pro Hac Vice* by placing a true copy thereof in a properly addressed envelope, with first-class, postage pre-paid, and depositing said envelope in an official receptacle of the United States Postal Service within the State of New York, upon:

Fran L. Rudich, Esq.  
Locks Law Firm PLLC  
110 East 55<sup>th</sup> Street  
New York, New York 10022

Jeffrey Michael Gottlieb, Esq.  
Berger & Gottlieb  
150 East 18<sup>th</sup> Street  
New York, New York 10003

  
Deborah Chernoff

Sworn to before me this  
19th day of November, 2007

  
Notary Public

THOMAS BACKIEL  
Notary Public, State of New York  
No. 01BA6083754  
Qualified in Queens County  
Commission Expires Nov. 25, 2010

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Plaintiff,

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Defendant.

Case No.: 1:07-cv-08733-DAB

**ORDER FOR ADMISSION  
OF JAMES J. SWARTZ, JR.  
*PRO HAC VICE*  
ON WRITTEN MOTION**

Upon the motion of Aimee B. Florin, attorney for Defendant CVS Caremark Corporation,<sup>1</sup> and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: James J. Swartz, Jr., Esq.  
Firm Name: Ashe, Rafuse & Hill, LLP  
Address: 1355 Peachtree Street, N.E., Suite 500  
City/State/Zip: Atlanta, Georgia 30309-3232  
Telephone/Fax: (404) 253-6000; (404) 253-6060  
Email Address: jimswartz@asherafuse.com

is admitted to practice *pro hac vice* as counsel for CVS Caremark Corporation in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: New York, New York  
November \_\_, 2007

\_\_\_\_\_  
Honorable Deborah A. Batts  
United States District Judge

<sup>1</sup> The Court notes that CVS Caremark Corporation asserts that it is not subject to this Court's personal jurisdiction and that it appears specially and without waiver of jurisdictional objections and defenses.